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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/010,741	11/13/2001	Amos Naor	10547.002	3672
7590	06/17/2004		EXAMINER	
AMOS NAOR 2639 INWOOD BRIAR San Antonio, TX 78248				HO, THOMAS Y
			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 06/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/010,741	NAOR, AMOS
	Examiner Thomas Y Ho	Art Unit 3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 19 August 2003.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-29 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-29 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 13 November 2002 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. _____.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____.

DETAILED ACTION

Status of Claims

Claims 1-29 are pending. No claims have been withdrawn or cancelled.

Claim Objections

Claims 19, 22, and 25 are objected to because of the following informalities:

As to claim 19, Applicant recites that the closure member engages itself. It appears that the last instance of “said closure member” should be --said adaptor--, and for purposes of examination, the claim will be interpreted accordingly.

As to claims 22 and 25, Applicant recites, “said flat exterior surfaces”, but the exterior surfaces were never previously disclosed in any of the preceding claims from which these claims depend.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 26 and 29 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claims 26 and 29 recite, “an adaptor having one portion configured for permanent and fixed engagement with said containment body”, as well as “said portion of said

adaptor configured for engagement with said containment body being adapted for releasable engagement with said containment body". The specification does not describe how the adaptor can be in both permanent and fixed engagement, while at the same time being adapted for releasable engagement. By definition, these two situations are mutually exclusive.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4-9, 18-21, 23-24, and 27-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Eckert US1328988.

As to claim 1, Eckert discloses, a decorative article of jewelry configured for visual display to others by a wearer as a container for enclosing memorabilia, said article of jewelry comprising: a containment body 12 having an interior compartment, said containment body having at least one opening configured for accommodating insertion of memorabilia into said interior compartment thereof; a releasable closure member 17 for configuring said article of jewelry between an open configuration in which the memorabilia is insertible into and removable from said interior compartment and a closed configuration in which the memorabilia is retained within said interior compartment; an adaptor 10 having one portion configured for permanent and fixed engagement with said containment body and another portion configured for engagement with said closure member, said adaptor being provided for accommodating coupling of said closure

member to said containment body; said containment body, said releasable closure member and said adaptor being connectable together to provide a decorative article of jewelry configured for visual display to others by a wearer; and a securement assembly (cement) for securing said adaptor within said containment body.

As to claim 4, Eckert discloses, further comprising: a loop 20/21 integrally constructed upon said releasable closure member, said loop configured to receive a chain upon which said decorative article of jewelry is suspended upon the wearer.

As to claim 5, Eckert discloses, wherein said adaptor is tubular in shape for permitting passage of the memorabilia there through into and out of said interior compartment.

As to claim 6, Eckert discloses, wherein a lower portion of said adaptor is configured for permanent and fixed engagement (by cementing; ln.16-21) with said containment body and said portion configured for engagement with said closure member is adapted for releasable engagement with said closure member.

As to claim 7, Eckert discloses, wherein said at least one opening into said interior compartment of said containment body forms a mouth that is configured for accommodating insertion therein of at least a part of said adaptor.

As to claim 8, Eckert discloses, wherein an interior surficial shape of said mouth is configured for establishing a substantial conformance fit about an exterior surface of said part of said portion of said adaptor configured for insertion into said mouth of said containment body.

As to claim 9, Eckert discloses, wherein said securement assembly is a fastener (cement) being applied to a portion of said adaptor.

As to claim 18, Eckert discloses, wherein said portion of said adaptor configured for releasable engagement with said closure member is at least partially threaded for mating engagement with a threaded portion of said closure member.

As to claim 19, Eckert discloses, wherein said closure member is a cap having a threaded interior portion configured for mating engagement with said threaded portion of said closure member.

As to claim 20, Eckert discloses, wherein said adaptor further comprises a stop 19 for abuttingly engaging an advancing surface of said cap thereby ceasing advancement of said cap upon said at least partially threaded portion of said adaptor.

As to claim 21, Eckert discloses, further comprising: said closure member having a plurality of flat exterior surfaces (edges of 20, top 17, etc.) arranged for alignment with corresponding flat exterior surfaces 14 of the containment body.

As to claim 23, Eckert discloses, a method for providing a decorative article of jewelry configured for visual display to others by a wearer as a container for enclosing memorabilia, said method comprising: providing a containment body, said containment body having at least one opening configured for accommodating insertion of memorabilia into an interior compartment thereof; providing a releasable closure member for configuring said article of jewelry between an open configuration in which the memorabilia is insertible into and removable from said interior compartment and a closed configuration in which the memorabilia is retained within said interior compartment; installing an adaptor having one portion configured for permanent and fixed engagement with said containment body and another portion configured for engagement with said closure member; said adaptor being provided for accommodating coupling of said closure

member to said containment body; and suspending said decorative article of jewelry about a wearer's neck by a loop integrally constructed upon said releasable closure member thereby establishing a decorative article of jewelry configured for visual display to others by the wearer comprising said containment body, said releasable closure member and said adaptor.

As to claim 24, Eckert discloses, further comprising: configuring said closure member to have a plurality of flat exterior surfaces arranged for alignment with corresponding flat exterior surfaces of the containment body.

As to claim 27, Eckert discloses, wherein said fastener is an adhesive (cement).

As to claim 28, Eckert discloses, wherein said adhesive is selected from the group consisting of glue (cement), epoxy, thermosetting resin or polymer resin.

As to claim 29, Eckert discloses, a decorative article of jewelry configured for visual display to others by a wearer as a container for enclosing memorabilia, said article of jewelry comprising: a containment body having an interior compartment, said containment body having at least one opening configured for accommodating insertion of memorabilia into said interior compartment thereof; a releasable closure member for configuring said article of jewelry between an open configuration in which the memorabilia is insertible into and removable from said interior compartment and a closed configuration in which the memorabilia is retained within said interior compartment; an adaptor having one portion configured for permanent and fixed engagement with said containment body and another portion configured for engagement with said closure member, said adaptor being provided for accommodating coupling of said closure member to said containment body; said adaptor being tubular in shape for permitting

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passage of the memorabilia there through into and out of said interior compartment; said portion of said adaptor configured for engagement with said containment body being adapted for releasable engagement with said containment body and said portion configured for engagement with said closure member is adapted for releasable engagement with said closure member; said at least one opening into said interior compartment of said containment body forming a mouth that is configured for accommodating insertion therein of at least a part of said portion of said adaptor configured for engagement with said containment body; a fastener affixed to said portion of said adaptor; an interior surficial shape of said mouth configured for establishing a substantial conformance fit about an exterior surface of said part of said portion of said adaptor configured for insertion into said mouth of said containment body; and a releasable securement assembly for releasably securing said adaptor within said mouth of said containment body.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by McCunney US3306266.

As to claim 1, McCunney discloses, a decorative article of jewelry configured for visual display to others by a wearer as a container for enclosing memorabilia, said article of jewelry comprising: a containment body 10 having an interior compartment, said containment body having at least one opening configured for accommodating insertion of memorabilia into said interior compartment thereof; a releasable closure member 15 for configuring said article of jewelry between an open configuration in which the memorabilia is insertible into and removable from said interior compartment and a closed configuration in which the memorabilia is retained within said interior compartment; an

adaptor 12/13 having one portion configured for permanent and fixed engagement with said containment body and another portion configured for engagement with said closure member, said adaptor being provided for accommodating coupling of said closure member to said containment body; said containment body, said releasable closure member and said adaptor being connectable together to provide a decorative article of jewelry configured for visual display to others by a wearer; and a securement assembly for securing said adaptor within said containment body.

Claims 1 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Scalco US5876109.

As to claim 1, Scalco discloses, a decorative article of jewelry configured for visual display to others by a wearer as a container for enclosing memorabilia, said article of jewelry comprising: a containment body 1 having an interior compartment 2, said containment body having at least one opening configured for accommodating insertion of memorabilia into said interior compartment thereof; a releasable closure member 7 for configuring said article of jewelry between an open configuration in which the memorabilia is insertible into and removable from said interior compartment and a closed configuration in which the memorabilia is retained within said interior compartment; an adaptor 6 having one portion configured for permanent and fixed engagement with said containment body and another portion configured for engagement with said closure member, said adaptor being provided for accommodating coupling of said closure member to said containment body; said containment body, said releasable closure member and said adaptor being connectable together to provide a decorative article of

jewelry configured for visual display to others by a wearer; and a securement assembly (glue) for securing said adaptor within said containment body.

As to claim 23, Scalco discloses, a method for providing a decorative article of jewelry configured for visual display to others by a wearer as a container for enclosing memorabilia, said method comprising: providing a containment body 1, said containment body having at least one opening configured for accommodating insertion of memorabilia into an interior compartment 2 thereof; providing a releasable closure member 7 for configuring said article of jewelry between an open configuration in which the memorabilia is insertible into and removable from said interior compartment (space between 2 and 3) and a closed configuration in which the memorabilia is retained within said interior compartment; installing an adaptor 6 having one portion configured for permanent and fixed engagement with said containment body and another portion configured for engagement with said closure member (col.3, ln.15-30); said adaptor being provided for accommodating coupling of said closure member to said containment body; and suspending said decorative article of jewelry about a wearer's neck by a loop 10 (col.2, ln.53-60) integrally constructed upon said releasable closure member thereby establishing a decorative article of jewelry configured for visual display to others by the wearer comprising said containment body, said releasable closure member and said adaptor.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCunney US3306266 in view of Normann US4809417.

As to claim 2, McCunney discloses, wherein said containment body is constructed from substantially transparent plastic material (col.1, ln.60-65) that establishes a prismatic-effect when viewing memorabilia contained therein. The difference between the claim and McCunney is the claim recites the material is mineral crystal. Normann discloses a transparent ornament similar to that of McCunney. In addition, Normann further teaches the use of plastic, quartz, or diamond, amongst other equivalent materials, and also equivalently the use of opaque materials with transparent areas (col.3, ln.5-30). It would have been obvious to one of ordinary skill in the art, having the disclosures of McCunney and Normann before him at the time the invention was made, to modify the material used in McCunney to be mineral crystal, as in Normann, to obtain a transparent mineral crystal material. One would have been motivated to make such a combination because it has been held that inasmuch as the references disclose these elements as art recognized equivalents, it would have been obvious to one of ordinary skill in the exercise art to substitute one for the other. In re Fout, 675 F.2d 297, 301, 213 USPQ 532, 536 (CCPA 1982). Furthermore, The selection of a known material based upon its suitability for the intended use is a design consideration within the skill of the art. In re Leshin, 227 F.2d 197, 125 USPQ 416 (CCPA 1960).

As to claim 3, Normann teaches, wherein said containment body is constructed from opaque mineral crystal thereby obscuring visibility there through of memorabilia contained within said containment body.

Claims 22 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scalco US5876109 in view of Foster US4662091.

As to claim 22, the difference between the claim and Scalco is the claim recites, further comprising: proper alignment between said closure member and said containment body being achieved utilizing a lower stop surface of said closure member that is configured to halt advancement of the closure member onto the adaptor when an upper lip of a mouth to the interior compartment of the containment body is abutted. The difference between the claim and Scalco is the claim recites, the flat surfaces of the closure member and containment body being aligned. Foster discloses a storage apparatus similar to that of Scalco. In addition, Foster further teaches aligning flat surfaces on the closure member with flat surfaces on the container 10, and also to use the aesthetic design 26 on the cap to accommodate a chain or key ring and to identify the device. It would have been obvious to one of ordinary skill in the art, having the disclosures of Scalco and Foster before him at the time the invention was made, to modify the closure member of Scalco to have the shape and aligned flat surfaces of Foster, to obtain a decorative closure member that aligns with flat surfaces on the containment body. One would have been motivated to make such a combination because the ability to accommodate a chain or key ring, and to provide a means for identifying the device while providing a neat, finished appearance, would have been achieved, as taught by Foster (col.4, ln.5-18).

As to claim 25, Scalco discloses, further comprising: affecting proper alignment between said closure member and said containment body being achieved utilizing a lower stop surface of said closure member that is configured to halt advancement of the closure member onto the adaptor when an upper lip of the mouth to the interior compartment of the containment body is abutted. Foster teaches the closure member having flat surfaces aligned with the flat surfaces of the containment body.

Claims 10-17 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scalco US5876109 in view of Haake US4007691.

As to claim 10, the difference between the claim and Scalco is the claim recites, wherein said securement assembly having at least one set screw receiving aperture extending through said containment body between an exterior surface of said containment body and an interior surface of said mouth, said set screw receiving aperture being transversely oriented to a longitudinal axis of said adaptor. Haake discloses a container similar to that of Scalco. In addition, Haake further teaches, the set screw receiving apertures and set screws in the containment body. It would have been obvious to one of ordinary skill in the art, having the disclosures of Scalco and Haake before him at the time the invention was made, to modify the body of Scalco to have set screw apertures and set screws, as in Haake, to obtain a set screw fastening means. One would have been motivated to make such a combination because the ability to rigidly fix an article in the container body would have been achieved, as taught by Haake (col.2, ln.25-37).

As to claim 11, Haake teaches, wherein said at least one set screw receiving aperture numbers two set screw receiving apertures, each of said two set screw receiving

apertures being opposingly positioned one to the other across said mouth of said-containment body.

As to claim 12, Haake teaches, further comprising: two set screws, each threadedly engaged within one of said two set screw receiving apertures and each of said two set screws being positioned in abutting engagement with said adaptor 24 when said containment body, said releasable closure member and said adaptor are connected together.

As to claim 13, Haake teaches, wherein said portion of said adaptor inserted into said mouth of said containment body further comprises a receiving area (lower indented portion of 24) upon said exterior surface thereof for abuttingly receiving tips of said two set screws, said receiving area being provided for resisting disengagement of said adaptor from said compartment body when said two set screws are abuttingly engaged upon said receiving area.

As to claim 14, Haake teaches, wherein said receiving area is located in a recess in said exterior surface of said adaptor. The top portion of 24 defines the exterior surface, and the recess is the indented lower portion of 24.

As to claim 15, Haake teaches, wherein said receiving area is located in a circumferential groove (lower groove defined by indented portion of 24), said groove encircling said adaptor at said exterior surface of said portion of said adaptor that is configured for insertion into said mouth of said containment body.

As to claim 16, Scalco discloses, wherein said portion of said adaptor 6 inserted into said mouth of said containment body is cylindrically shaped.

As to claim 17, Scalco discloses, wherein said adaptor further comprises a stop surface (bottom of 6) for abutting a lip of said mouth of said containment body for establishing proper positioning of said adaptor in said mouth of said containment body.

As to claim 26, Scalco discloses, a decorative article of jewelry configured for visual display to others by a wearer as a container for enclosing memorabilia, said article of jewelry comprising: a containment body having an interior compartment, said containment body having at least one opening configured for accommodating insertion of memorabilia into said interior compartment thereof; a releasable closure member for configuring said article of jewelry between an open configuration in which the memorabilia is insertible into and removable from said interior compartment and a closed configuration in which the memorabilia is retained within said interior compartment; an adaptor having one portion configured for permanent and fixed engagement with said containment body and another portion configured for engagement with said closure member, said adaptor being provided for accommodating coupling of said closure member to said containment body; said adaptor being tubular in shape for permitting passage of the memorabilia there through into and out of said interior compartment; said portion of said adaptor configured for engagement with said containment body being adapted for releasable engagement with said containment body and said portion configured for engagement with said closure member is adapted for releasable engagement with said closure member; said at least one opening into said interior compartment of said containment body forming a mouth (top of 2) that is configured for accommodating insertion therein of at least a part of said portion of said adaptor configured for releasable engagement with said containment body; an interior surficial

shape of said mouth configured for establishing a substantial conformance fit about an exterior surface of said part 3 of said portion of said adaptor configured for insertion into said mouth of said containment body; a releasable securement assembly for releasably securing said adaptor within said mouth of said containment body. Haake teaches, at least one set screw receiving aperture extending through said containment body between an exterior surface of said containment body and an interior surface of said mouth, said set screw receiving aperture being transversely oriented to a longitudinal axis of said adaptor.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. USD361507 to Langemann discloses a screwable container.
2. USD433225 to Deiss discloses a medicine container.
3. US1074673 to Weiss discloses a jewelry charm/pendant.
4. US1385288 to Walker discloses a toothpick holder.
5. US1567021 to Detlefsen discloses a combined necklace and game apparatus.
6. US2194379 to Bicks discloses a lavaliere.
7. US2506800 to MacLennan discloses a luminous pendant.
8. US2751764 to Hudes discloses a perfumer.
9. US3283717 to Balch discloses an emergency survival capsule.
10. US3567085 to Flores discloses a neck-supported pill container.
11. US3624384 to Ledingham discloses an illuminated earring.

12. US4049165 to Goldhaft discloses a case and closure cap for rod and reel.
13. US4129228 to Stoneback discloses a medication container.
14. US4208888 to Erdman discloses a jewelry storing and displaying piece.
15. US4333562 to Todd discloses a capsule for storing written information.
16. US4420076 to Beveridge discloses a moisture resistant pill container.
17. US4756407 to Larsen discloses a container apparatus for tablets.
18. US4765459 to Edwards discloses an integrated keyholder/container.
19. US4866952 to Hight discloses a pendant container for tablets and capsules.
20. US4920672 to Scott discloses a medical pendant with enhanced visibility.
21. US5158174 to Hereford discloses a jewelry container for ashes.
22. US5289915 to Queen discloses a keepsake capsule.
23. US5318177 to Isacson discloses a container.
24. US5390510 to Tirio-Cloonan discloses a pendent with a receptacle.
25. US5556522 to Ingalls discloses a filter assembly.
26. US5653530 to Pittman discloses an ornamental lighting device.
27. US5927104 to Green discloses a modular earring assembly.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Y Ho whose telephone number is (703)305-4556. The examiner can normally be reached on M-F 10:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J Swann can be reached on (703)306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TYH



ROBERT J. SANDY
PRIMARY EXAMINER